

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Enforcement of Permitted and Non-Permitted Grading on Private Property

**Policy
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I-74

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Background

The Grading Ordinance and Conditional Grading conditions are adopted to ensure public safety by preventing slope failure, foundation failure, expansive soil damage and drainage problems. Regulations also provide for environmental, aesthetic, erosion control, and other requirements.

Most permitted grading in San Diego County has been performed with few practical or enforcement problems. However, there have been several examples of grading which have shown the need for strong enforcement procedures.

There has been non-permitted grading which created safety, drainage, and environmental damage.

Purpose

To state Board policy on enforcement of County grading regulations for any grading done in the unincorporated area of San Diego County. The Board of Supervisors establishes grading regulations through ordinance and conditional approval of development or building plan to provide for:

1. Safety and stability of grading.
2. Drainage control and protection (on-site and off-site).
3. Erosion control and stormwater pollution prevention (on-site and off-site).
4. Aesthetics of the interim and finished product.
5. To protect environmentally sensitive areas, open space, etc.
6. To provide a construction process that is acceptable (timing, method).
7. To protect adjacent property owners.
8. For other reasons directed by the Board.

Intent

It is the intent of the Board of Supervisors to assure that the County Grading Ordinance and Conditional Grading conditions of development and building plans be complied within the unincorporated areas of San Diego County. It is the hope of the Board that the private sector will police itself. However, in order to assure compliance, the further intent of the Board of Supervisors is to provide adequate notice to the public and sufficient enforcement techniques to assure compliance. In this effort the Board states it will:

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1. Require that the proper procedures are followed in the administrative chain of development to assure that grading will be done properly or that improper grading will be corrected.
2. Give notice to the public and to County staff the Board's desire to have grading performed properly and in accordance with conditions, and that enforcement of grading conditions is consistent with the policy of the Board.
3. Require grading be performed expeditiously and uninterrupted insofar as practical so as to control erosion and lessen impact on others.
4. Require those grading to provide right of entry to the County and post securities to guarantee the work so that the County can occupy the graded property and rectify unsatisfactory grading operation where necessary at the expense of the grader.
5. Establish an environment under which the private developer will do the work properly and expeditiously, but in the event the grader fails to do the work properly or expeditiously, the County can rectify the situation at the developer's expense.

POLICY

It is the policy of the Board of Supervisors that the following shall apply:

Grading Performed Without Permit

Non-permitted grading shall be stopped and corrected by requiring compliance with the provisions of the Grading Ordinance.

In order to assure control and correction, the Department of Planning and Land Use is responsible for grading enforcement and is directed to expeditiously cite, post or otherwise provide notice to owner of record and grader as well as the Department of Planning and Land Use and Public Works whenever illegal grading is discovered or brought to the attention of County staff.

The Departments of Planning and Land Use, Environmental Health, and Public Works shall keep records of property so posted. When a request for development or building permit is received for property which is identified as having been graded illegally, then environmental review, notification to governing body, fee penalty, and correction of dangerous or defective condition shall be required before ensuing permits are cleared.

In enforcing this policy, administrative procedures including withholding issuance of building permits shall be used to secure compliance.

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Problem Grading Performed Under Permit

Permits issued for grading shall include and provide the County with:

- a. Permits to enter property for correction if necessary;
- b. Timing control over work done by permittee;
- c. Security sufficient to complete work guaranteed by instrument of credit or cash;
- d. Proof of ownership or owner's permission to grade; and
- e. Administrative tools used for control of non-permitted grading shall be used to secure compliance with grading permits. This shall include withholding of building permits if necessary.

Responsibility

It shall be the responsibility of the Department of Planning and Land Use, Department of Environmental Health, Department of Public Works, County Counsel and District Attorney to carry out this policy relative to issuance of permits.

Sunset Date

This policy will be reviewed for continuance by 12-31-09.

Board Action

7-24-79 (81)
11-6-79 (83)
12-11-84 (17)
7-26-88 (43)
12-12-89 (49)
6-5-90 (43)
9-25-90 (41)
5-15-96 (11)
8-7-2002 (5)

- 1. Department of Public Works
- 2. Department of Planning and Land Use
- 3. Department of Environmental Health